

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: _____ DATE FILED: 01/30/2024

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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	:	
UNITED STATES OF AMERICA	:	
	:	CONSENT PRELIMINARY ORDER
- v. -	:	OF FORFEITURE/
	:	<u>MONEY JUDGMENT</u>
PHILIP DALLMANN,	:	
	:	22 Cr. 660 (AT)
Defendant.	:	
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WHEREAS, on or about December 7, 2022, PHILIP DALLMANN (the “Defendant”), was charged in a three-count Information, 22 Cr. 660 (AT) (the “Information”), with wire fraud, in violation of Title 18, United States Code, Sections 1343 and 2 (Count One); access device fraud, in violation of Title 18, United States Code, Sections 1029(a)(5) and 2 (Count Two); and aggravated identity theft, in violation of Title 18, United States Code, Sections 1028A(a)(1) and (b) and 2 (Count Three);

WHEREAS, the Information included a forfeiture allegation as to Count One of the Information, seeking forfeiture to the United States, pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461(c), of any and all property, real and personal, that constitutes or is derived from proceeds traceable to the commission of the offense charged in Count One of the Information, including but not limited to a sum of money in United States currency representing the amount of proceeds traceable to the commission of the offense charged in Count One of the Information;

WHEREAS, the Information included a second forfeiture allegation as to Count Two of the Information, seeking forfeiture to the United States, pursuant to Title 18, United States Code, Section 982(a)(2)(B), 1028(b) and 1029(c)(1)(C), of any and all property, constituting or derived from, proceeds obtained, directly or indirectly, as a result of the commission of the offense

charged in Count Two of the Information, and any and all personal property used or intended to be used to commit the offense charged in Count Two of the Information, including but not limited to a sum of money in United States currency representing the amount of proceeds traceable to the commission of the offense charged in Count Two of the Information;

WHEREAS, on or about January 30, 2024, the Defendant pled guilty to Counts One and Two of the Information, pursuant to a plea agreement with the Government, wherein the Defendant admitted the forfeiture allegations with respect to Counts One and Two of the Information and agreed to forfeit to the United States: (i) pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461(c), a sum of money equal to \$97,958.62 in United States currency, representing the amount of proceeds traceable to the commission of Count One of the Information; and (ii) pursuant to Title 18, United States Code, Sections 982(a)(2)(B) and 1029(c)(1)(C), a sum of money equal to \$161,130.08, representing proceeds traceable to the commission of Count Two of the Information;

WHEREAS, the Defendant consents to the entry of a money judgment in the amount of \$259,088.70 in United States currency, of which \$97,958.62 represents the amount of proceeds traceable to the offense charged in Count One of the Information that the Defendant personally obtained, and \$161,130.08 represents the proceeds traceable to the commission of the offense charged in Count Two of the Information that the Defendant personally obtained;

WHEREAS, the Defendant admits that, as a result of acts and/or omissions of the Defendant, the proceeds traceable to the offenses charged in Counts One and Two of the Information that the Defendant personally obtained cannot be located upon the exercise of due diligence.

IT IS HEREBY STIPULATED AND AGREED, by and between the United States of America, by its attorney Damian Williams, United States Attorney, Assistant United States Attorney Jane Chong, of counsel, and the Defendant and his counsel, Martin Cohen, Esq., that:

1. As a result of the offenses charged in Counts One and Two of the Information, to which the Defendant pled guilty, a money judgment in the amount of \$259,088.70 in United States currency (the "Money Judgment"), of which \$97,958.62 represents the proceeds traceable to the offense charged in Count One of the Information that the Defendant personally obtained, and \$161,130.08 represents the proceeds traceable to the offense charged in Count Two of the Information that the Defendant personally obtained, shall be entered against the Defendant.

2. Pursuant to Rule 32.2(b)(4) of the Federal Rules of Criminal Procedure, this Consent Preliminary Order of Forfeiture/Money Judgment is final as to the Defendant PHILIP DALLMANN, and shall be deemed part of the sentence of the Defendant, and shall be included in the judgment of conviction therewith.

3. All payments on the outstanding money judgment shall be made by postal money order, bank or certified check, made payable, in this instance, to the United States Customs and Border Protection, and delivered by mail to the United States Attorney's Office, Southern District of New York, Attn: Illicit Finance and Money Laundering Unit, One St. Andrew's Plaza, New York, New York 10007 and shall indicate the Defendant's name and case number

4. The United States Customs and Border Protection, or its designee the Office of Fines, Penalties and Forfeiture, shall be authorized to deposit the payment on the Money Judgment into the Treasury Assets Forfeiture Fund, and the United States shall have clear title to such forfeited property.

5. Pursuant to 21 U.S.C. § 853(p), the United States is authorized to seek forfeiture of substitute assets of the Defendant up to the uncollected amount of the Money Judgment.

6. Pursuant to Rule 32.2(b)(3) of the Federal Rules of Criminal Procedure, the United States Attorney's Office is authorized to conduct any discovery needed to identify, locate or dispose of forfeitable property, including depositions, interrogatories, requests for production of documents and the issuance of subpoenas.

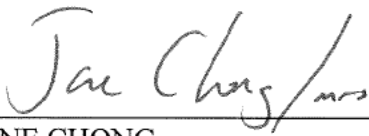
7. The Court shall retain jurisdiction to enforce this Consent Preliminary Order of Forfeiture/Money Judgment, and to amend it as necessary, pursuant to Rule 32.2 of the Federal Rules of Criminal Procedure.

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8. The signature page of this Consent Preliminary Order of Forfeiture/Money Judgment may be executed in one or more counterparts, each of which will be deemed an original but all of which together will constitute one and the same instrument.

AGREED AND CONSENTED TO:

DAMIAN WILLIAMS
United States Attorney for the
Southern District of New York

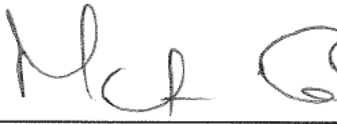
By: 
JANE CHONG
Assistant United States Attorney
One St. Andrew's Plaza
New York, NY 10007
(212) 637-2263

1/30/24
DATE

PHILIP DALLMANN


By: 
PHILIP DALLMANN

1/30/24
DATE

By: 
MARTIN COHEN, ESQ.
Attorney for Defendant
52 Duane Street, 10th Floor
New York, NY 10007

1/30/24
DATE

SO ORDERED:


HONORABLE ANALISA TORRES
UNITED STATES DISTRICT JUDGE

01/30/2024
DATE